

**CITY COUNCIL  
ATLANTA, GEORGIA**

**A RESOLUTION BY:**

**02- R-1799**

**CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH PPM CONSULTANTS, INC. OR ITS DESIGNEE(S) FOR THE INSTALLATION OF PRIVATE UTILITY FACILITIES CROSSING UNDER CHESHIRE BRIDGE ROAD IN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**BACKGROUND:**

PPM Consultants, Inc. ("PPM") is currently installing a groundwater remediation system (the "System"), consisting of a single story, skid mounted building for the purpose of extracting petroleum impacted soil and groundwater utilizing dual phase vacuum extraction (DPVE) that will be connected to four recovery wells, as directed by the Georgia Environmental Protection Division (EPD) in the City of Atlanta; and

As part of System installation, two four-inch PVC Extraction Line, two two-inch PVC Ambient Air Lines and two one-inch PVC Vacuum Measurement Lines (the "Encroachments") are proposed to be installed under Cheshire Bridge Road (the "Right-of-Way"), a street in the City of Atlanta, to apply vacuum to recovery wells on the opposing side of the Right-of-Way; and

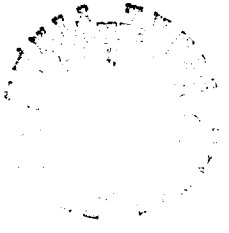
PPM has approached the City seeking an Encroachment Agreement allowing the installation of the Encroachments under the Right-of-Way; and

CITY's Code of Ordinances (Section 138, Article II) requires a Right-of-Way Encroachment Agreement for the construction and operation of private utilities and facilities within the public right-of-way;

The Director of the Bureau of Buildings and the Commissioner of the Department of Public Works have reviewed the plans for the Development and the installation of the Encroachments under the Right-of-Way, have determined that the plans meet the appropriate technical requirements and believe it to be desirable and in the best interests of the City to authorize the City to execute an Encroachment Agreement with PPM allowing the installation of the Encroachments;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1.** The Mayor is authorized to enter into an Encroachment Agreement, as outlined in Section 138, Article II, of the City's Code of Ordinances, with PPM or its designee(s), for the installation of the Encroachments under the Right-of-Way in Cheshire Bridge Road, in a form and pursuant to



conditions determined by the Commissioner of the City's Department of Public Works and the City Attorney to be desirable, appropriate and in the best interests of the City for this transaction.

**Section 2.** That PPM will be required to pay the City a one time rental fee of \$5000 for the right to install encroachments within the City's Right-of-Way.

**Section 3.** That the City Attorney is directed to prepare an Encroachment Agreement in accordance with Section 138, Article II, of the City's Code of Ordinances.

**Section 3.** That the Encroachment Agreement will not become binding upon the City and the City will incur no liability under it until the Mayor has executed it, attested to by the Municipal Clerk and delivered to PPM.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

OCT 21, 2002  
OCT 28, 2002

RCS# 4102  
10/21/02  
2:12 PM

Atlanta City Council

## Regular Session

CONSENT I                Pgs. 1-14; Except 02-o-1643; 02-O-1795  
                                02-R-1803; 02-R-1729  
                                ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

		10/21/02 Council Meeting
ITEMS ADOPTED ON CONSENT		ITEMS ADVERSED
AGENDA		ON CONSENT AGENDA
1. 02-O-1368	45. 02-R-1766	48. 02-R-1746
2. 02-O-1710	46. 02-R-1767	49. 02-R-1747
3. 02-O-1674	47. 02-R-1768	50. 02-R-1748
4. 02-O-1645		51. 02-R-1749
5. 02-O-1646		52. 02-R-1750
6. 02-O-1647		53. 02-R-1751
7. 02-O-1648		54. 02-R-1752
8. 02-O-1672		55. 02-R-1753
9. 02-O-1726		56. 02-R-1754
10. 02-O-1728		57. 02-R-1755
11. 02-O-1776		58. 02-R-1756
12. 02-O-1779		59. 02-R-1757
13. 02-O-1781		60. 02-R-1758
14. 02-O-1783		61. 02-R-1759
15. 02-O-1790		62. 02-R-1366
16. 02-O-1791		
17. 02-O-1661		
18. 02-O-1793		
19. 02-O-1584		
20. 02-O-1636		
21. 02-O-1788		
22. 02-R-1176		
23. 02-R-1736		
24. 02-R-1737		
25. 02-R-1745		
26. 02-R-1769		
27. 02-R-1716		
28. 02-R-1740		
29. 02-R-1735		
30. 02-R-1797		
31. 02-R-1800		
32. 02-R-1663		
33. 02-R-1780		
34. 02-R-1802		
35. 02-R-1588		
36. 02-R-1773		
37. 02-R-1787		
38. 02-R-1799		
39. 02-R-1760		
40. 02-R-1761		
41. 02-R-1762		
42. 02-R-1763		
43. 02-R-1764		
44. 02-R-1765		

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Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)  
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729

02-1799

(Do Not Write Above This Line)

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CITY UTILITIES COMMITTEE

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FOR THE INSTALLATION OF PRIVATE  
UTILITY FACILITIES CROSSING UNDER  
CHESHIRE BRIDGE ROAD IN THE CITY OF  
ATLANTA, AND FOR OTHER PURPOSES.

APPROVED BY:

NOSALIND RUBENS NEWELL,  
DEPUTY CITY ATTORNEY

ADOPTED BY

OCT 21 2002

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

CERTIFIED

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

OCT 21 2002

Mayor's Signature

OCT 21 2002

MAYOR'S ACTION

Mayor's Signature

OCT 28 2002